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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/598,111

04/16/2009

Robert Victor Jones

1140

60333

7590

12/22/2010

EDWIN D. SCHINDLER

4 HIGH OAKS COURT

P.O. BOX 4259

HUNTINGTON, NY 11743-0777

EXAMINER

TORRENTE, RICHARD T

ART UNIT

PAPER NUMBER

2482

MAIL DATE

DELIVERY MODE

12/22/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/598,111 | Applicant(s) JONES ET AL. | |
| | Examiner RICHARD TORRENTE | Art Unit 2482 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Drafts, Person's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Portable Hands-Free Camera System.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 12-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Spitzer (US 6,349,001 B1).

Regarding claim 12, Spitzer discloses a camera apparatus able to be worn on a person and providing hands-free operation (see abstract; see fig. 1), comprises: a camera (see 210 in fig. 2); a housing (see 240 in fig. 2) for said camera; means for mounting (see 250 in fig. 2) said housing on a person so that said housing containing said camera is able to be worn by the person; means for transmitting video signals (see fig. 7; e.g. see column 11, lines 58-63); and, means for transmitting and receiving audio signals (see fig. 1; e.g. see column 11, lines 58-63).

Regarding claim 13, Spitzer further discloses comprising a directional microphone included with said camera (see 108 in fig. 1).

Regarding claim 14, Spitzer further discloses wherein said means for mounting said housing on a person includes a support arm passable over an ear of the person (see fig. 1), so that said camera is substantially level with a line of sight of the person (see fig. 1).

Regarding claim 15, Spitzer further discloses comprising an earpiece (See column 1, lines 36-38) connected to said support arm with aural transmission to the person effected via said earpiece.

Regarding claim 16, Spitzer further discloses wherein said camera includes an infra-red sensitive mode (see fig. 18).

Regarding claim 17, Spitzer further discloses wherein said camera includes an optical sensor (see column 7, lines 6-18) for switching said camera to said infrared sensitive mode when lighting levels are insufficient for non-infra-red operation.

Regarding claim 18, Spitzer further discloses wherein functions for said camera are controlled by an integrated circuit in said housing (see fig. 6).

Regarding claim 19, Spitzer further discloses wherein said means for transmitting and receiving audio signals includes a wireless RF transmitter module and a battery pack (see fig. 17C; see 112 and 108 in fig. 1).

Regarding claim 20, Spitzer further discloses wherein said means for transmitting video signals includes means for transmitting video data recorded by said camera to a secure storage medium (e.g. see 716 in fig. 9).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD TORRENTE whose telephone number is (571) 270-3702. The examiner can normally be reached on M-F: 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2482

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Young Lee/
Primary Examiner, Art Unit 2482

/Richard Torrente/
Examiner, Art Unit 2482